

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RONNOCO COFFEE LLC,)	
)	
Plaintiff,)	
)	No. 4:20-CV-1401 RLW
v.)	
)	
CHARLES PEOPLES,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Ronnoco Coffee LLC's Motion for Leave to File Declaration Regarding Attorneys' Fees (ECF No. 123). No response was filed and the time to do so has passed. The Motion will be granted.

The Court granted Plaintiff's Motion for Contempt (ECF No. 52) by Findings of Fact, Conclusions of Law, and Order of Contempt (ECF No. 97), and ordered Plaintiff to "file a memorandum with verified documentation of the attorneys' fees it claims on its Motion for Contempt." (ECF No. 97 at 15.) Plaintiff submitted its Memorandum as to attorneys' fees on February 4, 2021. (ECF No. 104.) The Memorandum was not verified as ordered by the Court, as pointed out by non-party Smart Beverage, Inc. in its Reply to Plaintiff's Memorandum in Support of Attorneys' Fees (ECF No. 121).


Plaintiff's counsel states he "understood that he was verifying the documentation of Ronnoco's attorneys' fees within the meaning of Rule 11 of the Federal Rules of Civil Procedure through his signature on the memorandum." (ECF No. 123 at 1.) The Court cannot agree with this statement. See, e.g., Vallejo v. Amgen, Inc., 903 F.3d 733, 743 (8th Cir. 2018) ("We reject [the] proposition that, as a general rule, attorney assertions in briefs to the court can adequately substitute for affidavits and other forms of evidence."). By specifying that the attorneys' fee

memorandum be verified, the Court indicated that more than a routine signature of counsel was needed to comply with its Order. The Court also notes that while Plaintiff's Memorandum refers to the attached billing entries as "verified documentation," the exhibit itself was not signed by Plaintiff's counsel.

The Declaration of Plaintiff's counsel submitted with the Motion for Leave meets the requirements of the Court's Order of Contempt.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to File Declaration Regarding Attorneys' Fees (ECF No. 123) is **GRANTED**.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 4th day of March, 2021.